

### REMARKS

This Response is submitted in reply to the Non-Final Office Action dated August 27, 2007. Claims 20, 25, 27 and 47 have been amended. Claims 15 to 19, 32 to 46 and 51 to 56 have been withdrawn. No new matter has been added by any of these amendments.

A Petition for a One-Month Extension of Time for filing this Response is submitted herewith. Please charge deposit account number 02-1818 for this Extension of Time and any fees associated with this Response.

In the Office Action, the Examiner issued a restriction requirement under 35 U.S.C. § 121, which required Applicant to elect one of the following:

- I. Claims 32 to 39, drawn to a game which allows a player to select from indicated symbols in a symbol set and providing a prize to a player if the player selects the correct symbol, classified in class 463, subclass 16.
- II. Claims 1 to 14, 20 to 31, and 47 to 50, drawn to a game in which a predictor symbol guesses a symbol for a player and the player is allowed to guess which range of values the symbol lies in if the prediction symbol was incorrect, classified in class 463, subclass 16.
- III. Claims 15 to 19 and 40 to 46, drawn to a game with a prediction number modifier, a match modifier, and a correct prediction modifier, classified in class 463, subclass 16.

In response, Applicant hereby elects Group II, Claims 1 to 14, 20 to 31 and 47 to 50 without traverse.

The Office Action rejected Claims 1 to 4, 8 to 11, 20 to 23, 25 to 28 and 47 to 50 under 35 U.S.C. §102(a) as being obvious over "The Price is Right Dice Game" archived web page of <http://gscentral.net/dice.htm>, (8-22-2004 downloaded from <http://web.archive.org/web/20040822075604/http://gscentral.net/dice.htm> on 8-19-2007,

hereafter referred to as "Dice Game") in view of U.S. Patent No. 6,406,369 to Baerlocher, et al. ("Baerlocher"). Applicant submits that the rejection under 35 U.S.C. §102(a) as stated above appears to be a rejection under 35 U.S.C. §103(a). Accordingly, Applicant will proceed as if Claims 1 to 4, 8 to 11, 20 to 23, 25 to 28 and 47 to 50 are rejected under 35 U.S.C. §103(a) as being obvious over Dice Game in view of Baerlocher. Applicant respectfully disagrees with this rejection.

Applicant submits that Dice Game discloses a game, wherein a player rolls a die for each digit in the price of a car. If a player rolls the die and the value on the die equals the value of the corresponding digit in the price of the car for that roll, the digit in the price of the car for that roll is automatically displayed and the player moves on to the next digit. If the player rolls the die and the value on the die does not equal the value of the corresponding digit in the price of the car for that roll, the player must guess if the value on the die is higher or lower than the value of the corresponding digit in the price of the car for that roll. If the player correctly guesses higher or lower, the corresponding digit in the price of the car for that roll is displayed and the player moves on to the next digit in the price of the car. If the player incorrectly guesses higher or lower, the game ends. Every digit in the price of the car must be displayed to the player in order for the player to win the car.

The Office Action relies on Baerlocher for disclosing a gaming device including a display device and controller.

Independent Claim 1 is generally directed to a gaming device including a plurality of component symbols, a plurality of prediction symbols and a display device. The gaming device includes a processor operable with the display device to (a) select one of the component symbols, (b) designate one of the symbols of the plurality of prediction symbols, (c) display the designated prediction symbol to a player, (d) change a first modifier based on the displayed prediction symbol, and (e) change a second modifier if the prediction symbol matches the selected component symbol. If the prediction symbol does not match the selected component symbol, the processor is operable to (i) form at least two symbol sets based on the prediction symbol, wherein one of the symbols sets includes the selected component symbol, (ii) enable the player to input a prediction of

which formed symbol set includes the selected component symbol, (iii) reveal the selected component symbol to the player and (iv) change a third modifier if the player correctly picked which symbol set includes the selected component symbol. The processor is also operable to (g) repeat steps (a) to (f) until each of the component symbols is revealed and (h) provide the player an award based on the first modifier, the second modifier and the third modifier.

The Office Action generally states that Dice Game discloses a modifier for each digit in a multi-digit number, such as the price of a car. For example, pages 2 to 4 of the Office Action state:

Dice Game teaches a game to... (d) change a first modifier based on said displayed prediction symbol (thousands place revealed to player if dice matches digit for that price Page 2, the digit is a X1000 modifier since it is a thousands decimal place in the price of a car, in this case the 3 would have been revealed to the player in the thousands position if the car were in the \$3,000 to \$3,999 range, but it was not so in this case the player had to select higher or lower than three and correctly selected higher so a four was shown in the thousands place; in the example of Page 2 the prediction symbol or dice correctly predicted the component symbol or 6 in the tens place to the player did not have to select higher or lower); (e) change a second modifier if said prediction symbol matches said selected component symbol (process repeated and hundreds place revealed to player if dice matches digit for that price Page 2); (f) if said prediction symbol does not match said selected component symbol:... (iv) change a third modifier if the player correctly picked which symbol set includes the selected component symbol (player has select last digit as higher or lower than five rolled on dice or prediction symbol in ones place of car price on Page 2, player correctly selected higher so 8 digit is revealed to player); (g) repeat steps (a) to (f) until each of said component symbols is revealed.

Additionally, the Office Action states that it "would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the game of Dice game to a wagering game device such as '369".

Applicant submits that, unlike the gaming device of independent Claim 1, Dice Game does not disclose that as steps (a) to (f) are repeated, for each iteration, a first modifier changes to reflect the contribution made by the prediction symbol that is generated and displayed, a second modifier is changed in the event that the prediction symbol matches the component symbol, and a third modifier is changed in the event that the player correctly picked which symbol set includes the selected component symbol. For example, in Dice Game, if a player rolls the die and the value on the die does not match the digit in the price of the car for that roll and the player correctly guesses higher or lower, the digit in the price of the car corresponding to that roll is revealed and is modified by the decimal place in which it falls. On the other hand, for the gaming device of independent Claim 1, if the prediction symbol does not match the component symbol and the player correctly guesses which formed symbol set includes the correct component symbol, the first modifier will be changed to reflect the contribution made by the value associated with the prediction symbol and, in this case, the third modifier will be changed to incorporate a correct guess by the player. Applicant submits that it would not have been obvious to modify Dice Game to result in such a gaming device without destroying the intended purpose of Dice Game. Moreover, Applicant submits that it would not have been obvious to modify Dice Game or Baerlocher nor the combination of Dice Game and Baerlocher to result in such a gaming device without reasonably being construed as improper hindsight reconstruction. For at least this reason, it is respectfully submitted that independent Claim 1 is patentably distinguished over Dice Game and Baerlocher and in condition for allowance.

Applicant submits that Claims 2 to 4 depend directly or indirectly from independent Claim 1 and are also allowable for the reasons given with respect to independent Claim 1 and because of the additional features recited in these claims.

As the gaming devices of independent Claims 8 and 28 each generally include, amongst other elements, (d) a first modifier is changed based on the displayed prediction symbol/number, (e) a second modifier is changed if the prediction symbol/number matches the selected component symbol/number, (f)(iv) a third modifier is changed if the player correctly picked the symbol/number set which includes the selected component symbol/number, (g) steps (a) to (f) are repeated until each component symbol/number is revealed, Applicant respectfully submits that for similar reasons to those described above with respect to independent Claim 1, the gaming devices of independent Claims 8 and 28 are also patentably distinguished over Dice Game and Baerlocher and in condition for allowance.

Applicant submits that Claims 9 to 11 depend directly or indirectly from independent Claim 8 and are also allowable for the reasons given with respect to independent Claim 8 and because of the additional features recited in these claims.

Amended independent Claim 20 is generally directed to a gaming device including a plurality of symbols, a plurality of component symbols, wherein each component symbol is one of the symbols of the plurality of symbols, a plurality of symbol sets, wherein each symbol set includes zero, one or a plurality of the symbols, a plurality of different modifiers, a display device and a processor operable with the display device to randomly select at least one of the component symbols and for each selected component symbol to, designate one of the plurality of symbols as a prediction symbol, display the designated prediction symbol to a player, provide the player an award based on the selected component symbol and one of the modifiers if the prediction symbol matches the selected component symbol, wherein each time the prediction symbol matches the selected component symbol the award is based on a different one of the modifiers and if the prediction symbol does not match the selected component symbol, form at least two of the symbol sets based on the prediction symbol, wherein one of the symbols sets includes the selected component symbol, display the symbols from the symbol set including the selected component symbol, enable the player to try to pick the selected component symbol by picking one of the

displayed symbols, reveal the selected component symbol to the player and provide the player the award if the player correctly picked the selected component symbol.

Applicant submits that Dice Game discloses digits that correspond to digits in the price of a car, wherein the price of the car is predetermined prior to game play. That is, every digit in the price of the car is predetermined. On the other hand, Applicant submits that amended independent Claim 20 is generally directed to a gaming device comprising a processor operable with the display device to randomly select at least one of the component symbols. Therefore, unlike Dice Game, at least one of the component symbols is randomly determined. Applicant submits that it would not have been obvious to modify Dice Game or Baerlocher nor the combination of Dice Game and Baerlocher to result in such a gaming device without reasonably being construed as improper hindsight reconstruction.

Moreover, the Office Action states that the combination of Baerlocher and Dice Game teach a gaming device comprising a processor operable with the display device to select at least one of the component symbols and or each selected component symbol to enable the player to try to pick the selected component symbol by picking one of the displayed symbols. Applicant respectfully disagrees and submits that Dice Game only enables players to make a higher or lower selection. That is, in Dice Game, if the value on the die does not match the corresponding value of the digit in the price of the car for that roll, the player is enabled to guess if the value on the die is higher or lower than the corresponding value of the digit in the price of a car for that roll. Dice Game does not enable the player to try to pick the selected component symbol by picking one of the displayed symbols. On the other hand, in the gaming device of amended independent Claim 20, for each selected component symbol, if the prediction symbol does not match the selected component symbol, the processor enables the player to try to pick the selected component symbol by picking one of the displayed symbols. Applicant submits that it would not have been obvious to modify Dice Game or Baerlocher nor the combination of Dice Game and Baerlocher to result in such a gaming device without reasonably being construed as improper hindsight reconstruction. For at least these reasons, Applicant respectfully submits that amended

independent Claim 20 is patentably distinguished over Dice Game and Baerlocher and are in condition for allowance.


Applicant submits that Claims 21 to 23 depend directly or indirectly from independent Claim 20 and are also allowable for the reasons given with respect to independent Claim 20 and because of the additional features recited in these claims.

As the gaming devices of independent Claims 25, 27 and 47 each generally include, amongst other elements, a processor operable with the display device to randomly select at least one of the component symbols/numbers, to (d)(ii) display the symbols/numbers from the symbol/number set including the selected component symbol/number and (d)(iii) enable the player to try to pick the selected component symbol/number by picking one of the displayed symbols/numbers, Applicant respectfully submits that for similar reasons to those described above with respect to independent Claim 20, the gaming devices of independent Claims 25, 27 and 47 are also patentably distinguished over Dice Game and Baerlocher and in condition for allowance.

Applicant submits that Claims 26 and 48 to 50 depend directly or indirectly from independent Claims 25 and 47, respectively and are also allowable for the reasons given with respect to independent Claims 25 and 47 and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

BELL, BOYD & LLOYD LLP

BY   
Adam H. Masia  
Reg. No. 35,602  
Customer No. 29,159

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